

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM J. EINHORN,	:	
as administrator of the	:	
Teamsters Trust Fund of Philadelphia & Vicinity,	:	
	:	
Plaintiff,	:	
v.	:	No. 5:14-cv-06924
	:	
SUSAN MCCAFFERTY;	:	
DEBORAH MCCAFFERTY;	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this 31st day of March, 2016, for the reasons set forth in the accompanying Memorandum Opinion, **IT IS ORDERED** as follows:

1. Plaintiff's Motion to Dismiss the Counterclaim, ECF No. 6, is **GRANTED**.
2. Defendant Susan McCafferty's Motions for Summary Judgment, ECF No. 16, are **GRANTED IN PART AND DENIED IN PART**.
3. Defendant Deborah McCafferty's Motion for Summary Judgment, ECF No. 20, is **GRANTED IN PART AND DENIED IN PART**.
4. **JUDGMENT IS ENTERED** as follows:
 - a. The Divorce Decree, entered by the Court of Common Pleas of Chester County, Pennsylvania, on December 23, 2015, which incorporated the property settlement agreement entitled "Division of property jointly owned by Kevin and Deborah McCafferty," is a "qualified domestic relations order" ("QDRO") as that term is defined in 29 U.S.C. § 1056(d)(3).

b. The QDRO entitles Defendant Deborah McCafferty to a separate interest of fifty percent in the pension of Kevin McCafferty, who was a participant in the Teamsters Pension Plan of Philadelphia & Vicinity (“Plan”).¹

c. The QDRO is not sufficient, under 29 U.S.C. § 1056(d)(3)(F), to entitle Defendant Deborah McCafferty to be treated as Kevin McCafferty’s surviving spouse.

d. Any future domestic relations order awarding Defendant Deborah McCafferty the right to be treated as Kevin McCafferty’s surviving spouse would not qualify as a QDRO under 29 U.S.C. § 1056(d)(3)(D).

e. The Pre-Retirement Surviving Spouse’s Benefit to which Kevin McCafferty’s surviving spouse is entitled from the Plan has vested in Defendant Susan McCafferty and cannot be divested by another spouse.

5. In all other respects, Defendant Susan McCafferty’s Motions for Summary Judgment and Defendant Deborah McCafferty’s Motion for Summary Judgment are **DENIED**.

6. The parties shall confer and file a status report with the Court no later than **Friday, April 29, 2016**.

BY THE COURT

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge

¹ Whether this separate interest was extinguished by Kevin McCafferty’s death requires an interpretation of the official text of the Pension Plan and Trust Agreement, which the parties have not provided, and is a determination that the Plan administrator is entitled to make at first instance.